



Attorney's Docket No.: 11696-018001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Roger I. Pennell
Serial No. : 10/046,660
Filed : October 29, 2001
Title : CHIMERIC POLYPEPTIDES

Art Unit : 1653
Examiner : Sheridan K. Snedden

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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RESPONSE TO RESTRICTION REQUIREMENT

In the action mailed July 23, 2003, the Examiner issued a restriction requirement under 35 U.S.C. § 121, requiring the Applicant to elect an invention from the following:

Group I: claims 1-10, drawn to a chimeric protein;

Group II: claim 11, drawn to a cell expressing a chimeric protein;

Group III: claims 12-15, drawn to nucleic acids and host cells; and

Group IV: claims 16-29, drawn to a method of isolating specific cells.

The Examiner asserted that the inventions were distinct and required separate searches.

Applicant respectfully traverses the restriction requirement. Under M.P.E.P. §§ 803, the present claims do not present such a serious burden on the Examiner as to make restriction proper. In accordance with 37 C.F.R. § 1.143, however, Applicant hereby elects the invention of Group III, claims 12-15, drawn to nucleic acids and host cells, classified in class 435, subclass 69.1.

A check in the amount of \$210.00 for a two month extension of time fee is enclosed. Please apply any other charges or credits to Deposit Account No. 06-1050.

Date: 10/9/03

Respectfully submitted,

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I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Deposit October 9, 2003

Signature *Jolene Alger*

Jolene Alger

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